



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICANT(S): | Selinfruend <i>et al.</i> | GROUP ART UNIT: | 1756 |
| APPLICATION SERIAL NO.: | 09/608,886 | EXAMINER: | Angebranndt, Martin J. Tel.: 571-273-1378 |
| FILING DATE: | March 12, 2003 | ATTORNEY DOCKET NO.: | LO532/7012 |
| TITLE OF APPLICATION: | Optical Data Copy Protection | | |

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being deposited) was deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Steven J. Moore _____

(Type or Print Name of Mailer)

Steven J. Moore _____

(Signature of Mailer)

Date: June 23, 2004 _____

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION OF
DECEMBER 23, 2003 PURSUANT TO 37 C.F.R. § 1.111**

I. INTRODUCTORY COMMENTS

Sir:

Applicants respectfully submit this document as responsive to the above referenced office action and/or communication from the USPTO.

- **Location of Specified Sections for Scanning**

| <u>SECTIONS OF DOCUMENT</u> | <u>LOCATION OF SECTION</u> |
|---|-----------------------------------|
| I. INTRODUCTORY COMMENTS • Statement With Respect to Interview | Pages 1 – 4 • Pages 2 - 4 |
| II. AMENDMENTS TO THE SPECIFICATION | Page 5 |
| III. AMENDMENTS TO THE CLAIMS | Pages 6 - 20 |
| AMENDMENTS TO THE DRAWINGS | N/A |
| IV. REMARKS | Pages 21 – 31 |
| APPENDIX | N/A |

- **Request for Entrance of Response**

Applicants respectfully requests that the following response be entered as responsive to the December 23, 2003 (Paper No. 12022003) office action (“Office Action”).

- **Requests for Extension/ Fees Due**

Applicants request a three month extension to the shortened statutory period for response set forth in the outstanding Office Action. A check for the sum of \$475 (small entity) is enclosed for the three month extension of time. While such sum is believed to be that due with this response, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account 033-975.

- **Statement Per MPEP Section 713.04 as to Substance of May 13, 2004 In Person Interview with Examiner Martin J. Angebranndt**

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Applicants extend their appreciation to Examiner Angebranndt for permitting a personal interview at the USPTO on May 13, 2004. At the interview were Dr. Richard Selinfruend, Dr. Steven Moore, and Dr. Martin Angebrandt. No agreement was reached. A disc of the present claims was shown during the interview although no computer demonstration was made.

Applicants assert that the interview entailed discussion of claim 177 and Applicants strenuously argued that such claim as drafted was not fully anticipated by U.S. Patent No. 5,204,852 to Nakagawa *et al.*, U.S. Patent No. 5,815,484 to Smith *et al.*, or U.S. Patent No. 5,963,536 to Vasic *et al.* with neither teaching an instruction set for controlling a computer system as recited in the claim, nor show two data states as recited in the claims. It was noted that transient state change materials were preferred to be used to effectuate embodiments within certain of the claims.

Applicants have reviewed the Examiner's Summary of Record of Interview and have the following comments: (a) Applicants do not recall in the conversation discussion that "art cited by the examiner as irrelevant includes teachings which bear little on the patentability of optical recording media and processes for their use"; (b) Applicant agrees that the Examiner indicated that he felt that address information embossed in the optical recording media, but coated with dye was embraced by the requirements of a computer program directing the medium to read in specific areas where the data of the computer program, and that the Examiner indicated that such would occur due to photodegradation of the dye coated over these areas (Applicants disagree with this assessment both technically, and also based on the law in that inherency requires that the effect invariably occur); (c) the Applicants agree that the Examiner asserted that some claims embrace a medium that is read repeatedly by the disc drive in an attempt to make sense of any damaged data, and that the Examiner indicated that held that some of the claims do not indicate that the remainder of the medium is read only when a difference in the data in the locus found and did not distinguish over mere re-reading to make sense of damaged data, however, Applicants asserts that specific claims said to be suffering from such defect were not pointed out (again Applicants disagree with this assessment); (d) Applicant did indicate that the change in the light sensitive materials recited may be transient rather than permanent; (e) the Examiner did indicate that he considers the claims of the instant application to be overlapping with previously

issued patents, while Applicants disagreed; (f) the Examiner did indicate that the use of photosensitive coating over the entire data surface may serve to distinguish over Vasic, Whitcher and Smith.

- **Format of this Response**

This response is submitted in compliance with the revised format for making amendments to the specification, claims and drawings officially adopted by the USPTO on July 30, 2003, and which is now reflected in 37 C.F.R. §1.121.

If amendment to the claims are made herein, only one version of the claims with markings to show changes are provided in accordance with such regulation (underlining to show additions and strike-through marks or [[]]) (for deletion of five or less characters) to indicate deleted material), and a detailed listing of all claims that are, or were in the application, delineated as either (Original), (Currently Amended), (Canceled), (Withdrawn), (Previously presented), (New), or (Not entered), are presented (with the text of “canceled” or “not entered” claims not being presented as set forth in the revised rules).

If a substitute specification is submitted herein, a clean form and marked-up version are included. Amendments to drawings, if any, are submitted in compliance with 37 C.F.R. §1.84 on replacement sheets as an attachment to this document (with an accompanying detailed explanation of all of the changes with respect to the drawings made in the remarks section of this amendment.